

## **REMARKS**

At the time the current Official Action was mailed, claims 1-20 were pending. The Examiner allowed claims 1-10 and rejected claims 11-20. Reconsideration of the application in view of the remarks set forth below is respectfully requested.

### **Objection to the Title**

The Examiner objected to the title of the application as not being sufficiently descriptive. Applicants have amended the title in response to the Examiner's objection. Applicants respectfully submit that the new title is clearly indicative of the invention to which the claims are directed. Accordingly, Applicants respectfully request withdrawal of the Examiner's objection.

### **Cross-Reference Update**

The Examiner indicated that the present application should be updated to reflect the issuance of the related parent application. Applicants have amended the cross-reference to the related application to provide the corresponding patent number and issue date of the parent application. Applicants respectfully submit that this amendment is sufficient to address the Examiner's concerns.

### **Rejections under 35 U.S.C. § 112**

The Examiner rejected independent claims 11 and 16 under 35 U.S.C. § 112, first paragraph, as being “single means” claims. Claims 11 and 16 have been amended to set forth the recited subject matter more clearly. Applicants respectfully submit that the amendments indicated above and discussed further below with respect to the rejections under 35 U.S.C § 103, are sufficient to overcome the Examiner’s rejection under 35 U.S.C. § 112. Accordingly, Applicants respectfully request withdrawal of the Examiner’s rejection under 35 U.S.C. § 112, first paragraph.

### **Non-Statutory Double Patenting Rejection**

The Examiner rejected claims 11-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Pat. No. 6,704,828, the parent of the present application. To overcome the judicially created doctrine of obviousness-type double patenting rejection, Applicants hereby file a Terminal Disclaimer in accordance with 37 C.F.R. § 1.321(c). Applicants respectfully submit that the submission of the Terminal Disclaimer is sufficient to overcome the Examiner’s obviousness-type double patenting rejection.

### **Rejections under 35 U.S.C. § 103(a)**

The Examiner rejected claims 11-20 under 35 U.S.C § 103(a) as being unpatentable over Morgan (U.S. Pat. No. 5,325,330) in view of Jennings (U.S. Pat. No. 5,559,969).

The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (PTO Bd. App. 1979). Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention absent some teaching or suggestion supporting the combination. *ACS Hospital Systems, Inc. v. Montefiore Hospital*, 732 F.2d 1572, 1577, 221 U.S.P.Q. 929, 933 (Fed. Cir. 1984). Accordingly, to establish a *prima facie* case, the Examiner must not only show that the combination includes *all* of the claimed elements, but also a convincing line of reason as to why one of ordinary skill in the art would have found the claimed invention to have been obvious in light of the teachings of the references. *Ex parte Clapp*, 227 U.S.P.Q. 972 (B.P.A.I. 1985).

Independent claims 11 and 16 have been amended to set forth the recited subject matter more clearly. Specifically, claim 11 recites “a data amplifier configured to receive data on a first data bus having a first bus width and configured to transmit data on a second bus having a second bus width, wherein the first bus width is greater than the second bus width, and wherein the data amplifier comprises a plurality of helper flip-flops configured to receive the data on the first bus and a plurality of logical devices configured to store, hold and deliver the data from the plurality of helper flip-flops onto the second bus in an alternating sequence.” Independent claim 16 recites “a data amplifier configured to receive data on a first data bus having a first operating speed and configured to transmit data on a second bus having a second operating speed, wherein the second operating speed is greater than the first operating speed, and wherein the data amplifier comprises a plurality of helper flip-flops configured to receive the data on the first bus and a plurality of

logical devices configured to store, hold and deliver the data from the plurality of helper flip-flops onto the second bus in an alternating sequence.”

While Applicants do not necessarily agree with the Examiner’s assertions regarding the subject matter disclosed in the Morgan and Jennings references, Applicants have chosen to amend independent claims 11 and 16 to more clearly set forth the recited subject matter. However, Applicants respectfully submit that the prior rejections are moot in view of the present amendments. Applicants respectfully submit that neither of the cited references, taken alone or in combination, discloses the subject matter recited in independent claims 11 and 16. Accordingly, Applicants submit that independent claims 11 and 16 are currently in condition for allowance. Applicants respectfully request withdrawal of the Examiner’s rejection under 35 U.S.C. §103 and allowance of claims 11-20.

#### **Allowable Subject Matter**

The Examiner allowed claims 1-10. Applicants thank the Examiner for the indication of allowability of claims 1-10.

#### **Conclusion**

In view of the remarks set forth above, Applicants respectfully request reconsideration of the Examiner’s rejections and allowance of all pending claims. If the Examiner believes that a telephonic

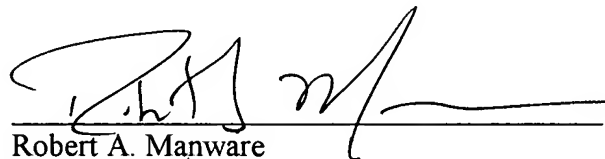
interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

**General Authorization for Extensions of Time**

In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, Applicants authorize the Commissioner to charge the appropriate fee for any extension of time to Deposit Account No. 13-3092; Order No. MICS:0037-1/FLE.

Respectfully submitted,

Date: April 19, 2005

A handwritten signature in black ink, appearing to read 'R. A. Manware', is written over a horizontal line.

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